

Amendment No. 1 to SB1523

Gresham
Signature of Sponsor

AMEND Senate Bill No. 1523*

House Bill No. 1989

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-104(2), is amended by adding the language “or the achievement school district as defined in Tennessee Code Annotated Section 49-1-614” after the word “education”.

SECTION 2. Tennessee Code Annotated, Section 49-13-106, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a)

(1) Public charter schools authorized by an LEA may be formed to provide quality educational options for all students residing within the jurisdiction of the chartering authority; provided, however, an LEA may authorize charters to enroll students residing outside the LEA in which the public charter school is located pursuant to the LEA out-of-district enrollment policy and in compliance with § 49-6-3003 and § 49-6-403(f).

(2) The achievement school district may authorize charter schools within the jurisdiction of the LEA for the purpose of providing opportunities for students within the LEA who are zoned to attend a school that is eligible to be placed in the achievement school district.

SECTION 3. Tennessee Code Annotated, Section 49-13-106(b)(1)(A), is amended by deleting the language “local board of education” and by substituting instead the language “chartering authority”.

SECTION 4. Tennessee Code Annotated, Section 49-13-106, is amended by deleting subdivision (b)(1)(C) in its entirety and by substituting instead the following:

(b)

(1)

(C) In reviewing applications for newly created charter schools, the chartering authority, if an LEA, shall give preference to, and, if the achievement school district, shall exclusively accept, applications that demonstrate the capability to meet the needs of the following groups of students:

(i) Students who are assigned to, or were previously enrolled in, a school failing to make adequate yearly progress, as defined by the state's accountability system,

(ii) Students who, in the previous school year, failed to test proficient in the subjects of reading/language arts or mathematics in grades three (3) through eight (8) on the Tennessee comprehensive assessment program examinations,

(iii) Students who, in the previous school year, failed to test proficient in the subjects of reading/language arts or mathematics on the end of course assessments in grades nine (9) through twelve (12), or

(iv) Students who are eligible for free or reduced price lunch.

SECTION 5. Tennessee Code Annotated, Section 49-13-106(b)(2)(B), is amended by deleting the first sentence of the subdivision and by substituting instead the following language:

An LEA may convert an eligible public school to a public charter school.

SECTION 6. Tennessee Code Annotated, Section 49-13-106, is amended by deleting subdivisions (b)(2)(D) and (b)(2)(E) in their entirety.

SECTION 7. Tennessee Code Annotated, Section 49-13-107, is amended by deleting the language "local board of education" wherever it appears and by substituting instead the language "chartering authority".

SECTION 8. Tennessee Code Annotated, Section 49-13-108, is amended by deleting the language “This section shall apply only to applications for new charter schools under section 49-13-106(b)(1)” and by substituting instead the language “This section shall apply only to applications for new charter schools under section 49-13-106(b)(1) when the LEA is the chartering authority”.

SECTION 9. Tennessee Code Annotated, Section 49-13-108(2), is amended by deleting the first sentence.

SECTION 10. Tennessee Code Annotated, Section 49-13-108(3), is amended by deleting the language “If the state board finds that the local board’s decision was contrary to the best interests of the pupils, school district or community, the state board shall remand the decision to the local board of education with written instructions for approval of the charter” and by substituting instead the following:

If the state board finds that the local board’s decision was contrary to the best interests of the pupils, school district or community, the state board shall remand the decision to the local board of education with written instructions for approval of the charter. The grounds upon which the state board of education based a decision to remand the application must be stated in writing, specifying objective reasons for the decision.

SECTION 11. Tennessee Code Annotated, Section 49-13-109, is amended by deleting this section in its entirety.

SECTION 12. Tennessee Code Annotated, Section 49-13-113, is amended by deleting subdivisions (d)(1) and (d)(4) in their entirety, by deleting in subdivision (d)(2) the words “subsection (d)” and by substituting in lieu thereof the word “section”.

SECTION 13. Tennessee Code Annotated, Section 49-13-122(a)(2), is amended by inserting the words “for two (2) consecutive years” after the word “system” and before the semicolon.

SECTION 14. Tennessee Code Annotated, Section 49-13-122, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) A decision not to renew or to revoke a charter agreement may be appealed to the state board of education within ten (10) days of the decision, except for revocations or failures to renew based on the violations specified in subdivision (a)(2). State board appeals shall be handled on the same basis as provided in section 49-13-108. This section shall apply only to decisions not to renew or to revoke a charter agreement where the LEA is the chartering authority.

SECTION 15. Tennessee Code Annotated, Section 49-13-126 is amended by designating the current language as subsection "(a)" and by adding the following as a new subsection (b):

(b) Notwithstanding any other provision of this chapter to the contrary, the commissioner shall establish rules and procedures for the authorization of charter schools by the achievement school district pursuant to this chapter.

SECTION 16. Tennessee Code Annotated, Section 49-13-130, is amended by deleting the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 49-13-132, is amended by deleting the section in its entirety.

SECTION 18. This act shall take effect immediately upon becoming law, the public welfare requiring it.